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PATENT

DOCKET NUMBER P41 9755

8-16-95
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
EVANS ET AL.

) Group Art Unit-1804

)
) Examiner: Jon P. Weber

)
) Serial No.: 08/244,857

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) Filed: June 14, 1994

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) For: Means for the Modulation of
Processes Mediated by Retinoid
Receptors and Compounds
) Useful Therefor

)
) JUL 26 1995

) GROUP 1800

COMMUNICATION RE: REQUEST TO DECLARE
INTERFERENCE WITH U.S. PATENT NO. 5,428,071
AND NOTICE OF PROPOSED COUNTS

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

By this communication, Applicants are seeking to have an interference declared pursuant to the provisions of 37 CFR 1.607 between U.S. Patent Application Serial No. 08/244,857, filed June 14, 1994 (which application is a continuation-in-part of U.S. Patent Application Serial No. 07/809,980, filed December 18, 1991 (now abandoned)) and U.S. Patent No. 5,428,071, issued June 27, 1995. U.S. Patent No. 5,428,071 issued from U.S. Patent Application Serial No. 08/201,493, filed February 24, 1994 (which application was in turn a continuation of U.S. Patent Application Serial No. 07/823,741, filed January 22, 1992 (now abandoned)).

The proposed counts being presented by Applicants are:

1. A method for treating patients having premalignant or precancerous epithelial lesions to retard the progression of these lesions into carcinomas comprising administering to said patient a composition containing a compound selected from the group consisting of 9-*cis* retinoic acid and its pharmaceutically acceptable formulations, said compound being administered in an amount effective to treat said lesions.

2. A method for treating tumors of epithelial origin in patients to retard the development of these tumors comprising administering to said patient a composition containing a compound selected from the group consisting of 9-*cis* retinoic acid and its pharmaceutically acceptable formulations, said compound being administered in an amount effective to retard the development of said tumors.

3. A composition in unit dosage form for oral administration comprising as an active ingredient a compound selected from the group consisting of 9-*cis* retinoic acid and its pharmaceutically acceptable formulations and a pharmaceutically acceptable carrier suitable for oral administration.

Applicants contend that at least claims 1 and 7 of U.S. Patent No. 5,428,071 correspond to proposed count 1, that at least claim 10 of U.S. Patent No. 5,428,071 with respect to tumors of the lung corresponds to proposed count 2 and that at least claim 14 of U.S. Patent No. 5,428,071 corresponds to proposed count 3.


Applicants are presenting herewith a Preliminary Amendment to their above-identified pending Patent Application Serial No. 08/244,857 wherein new claims 51 through 53 are presented. These new claims 51 through 53 correspond to proposed counts 1 through 3 as presented herein.

Newly presented claims 51 and 52, corresponding to proposed counts 1 and 2, finds support in the specification of the above-identified application, and in particular at page 11, lines 5 through 30. Further, newly presented claim 53, corresponding to proposed count 3, finds support in the specification of the above-identified application, and in particular at page 24, lines 13 through 19.

It is respectfully submitted that presentation of the counts proposed herein, in conjunction with Applicants Preliminary Amendement being filed herewith, place the claims of the present application in condition for allowance, and accordingly for a declaration of interference with U.S. Patent No. 5,428,071. Notification to that effect is earnestly solicited.

Respectfully submitted,

Date: 7/26/95

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